

Message Text

PAGE 01 STATE 229266 TOSEC 270208

62/21
ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 CCO-00 /026 R

DRAFTED BY: S/P:HCBLANEY
APPROVED BY: S/P:RBARTHOLOMEW
EB:JKATZ
D/LOS:RBREWSTER (INFO)
S/S:LMACFARLANE
DESIRED DISTRIBUTION: D, T, EB, D/LOS, S/P
----- 021267
O 160319Z SEP 76
FM SECSTATE WASHDC
TO USDEL SECRETARY IMMEDIATE

C O N F I D E N T I A L STATE 229266 TOSEC 270208

STADIS////////////////////////////////////
EXDIS FOR LORD ONLY FROM BARTHOLOMEX

C O R R E C T E D C O P Y (PARA 4, LINE 19 OMITTED)

E.O. 11652:GDS

TAGS: PLOS

SUBJECT: STATEMENTS ON THE CONCLUSION OF THE LOS SESSION

1. PER INSTRUCTIONS, YOU WILL FIND BELOW OUR PROPOSED STATEMENT BY THE SECRETARY TO BE RELEASED AT THE CONCLUSION OF THE LOS SESSION ON FRIDAY AFTERNOON. THIS STATEMENT WILL BE TAILORED AS NECESSARY IF THERE ARE ANY NEW DEVELOPMENTS COMING OUT OF THE THURSDAY OR FRIDAY SESSIONS. THE MAIN DECISION TO BE TAKEN THEN WILL BE THE RECOMMENDATION FOR THE NEXT SESSION AND WHAT, IF ANY, INTERSESSIONAL WORK WILL TAKE PLACE. THE PROBABILITY STILL IS THAT THERE WILL BE NO CHANGES IN THE REVISED SINGLE NEGOTIATING TEXT.

2. YOU WILL ALSO FIND BELOW A DRAFT WHITE HOUSE STATEMENT WHICH THE NSC STAFF PROPOSES TO USE FOR NESSEN'S COMMENTS
CONFIDENTIAL

PAGE 02 STATE 229266 TOSEC 270208

TO THE PRESS ON FRIDAY. THEY FELT THAT SUCH A STATEMENT WAS APPROPRIATE GIVEN THE FACT THAT THE PRESIDENT REQUESTED THE SECRETARY TO HEAD OUR DELEGATION. THE NSC TEXT IS CONSISTENT WITH OUR OWN. Q'S AND A'S ARE BEING SENT BY SEPTTEL

WHICH WILL BE USED BOTH IN NEW YORK AND WASHINGTON.

3. JULES KATZ WILL BE PROVIDING A BACKGROUNDER HERE IN WASHINGTON FOR THE PRESS. UNLESS INSTRUCTED OTHERWISE, WE

INTEND TO HAVE ACTING SECRETARY ROBINSON AND KATZ LOBBY ON THE HILL AS APPROPRIATE TO EXPLAIN OUR POSITION ON LOS. THE NSC STAFF AGREES THAT THE LETTER FROM THE 20 SENATORS SHOULD BE ANSWERED AT SOME TIME AFTER THIS SESSION. OUR PRESS STATEMENTS IN PART ALSO ARE RESPONSIVE TO THIS LETTER; AS DISCUSSED WITH YOU, WE WOULD ALSO HAVE "SUPPORTING" STATEMENTS FROM MCCLOSKEY AND PELL.

4. BEGIN TEXT OF SECRETARY'S STATEMENT:

THE LAW OF THE SEA NEGOTIATIONS HAVE JUST ENDED THEIR CURRENT SESSION IN NEW YORK ON SEPTEMBER 17. THE WORK THEY HAVE UNDERTAKEN IS AMONG THE MOST IMPORTANT, COMPLEX AND DIFFICULT OF ANY NEGOTIATIONS SINCE THE END WORLD WAR

II. THE DELEGATIONS ARE ATTEMPTING TO ESTABLISH A LEGAL REGIME FOR NEARLY THREE-QUARTERS OF THE SURFACE OF THE GLOBE. WITH SOME 150 NATIONS PARTICIPATING, EACH SEEKING TO PROTECT ITS INTERESTS, IT IS NOT SURPRISING THAT PROGRESS HAS BEEN SLOW GIVEN THE DIVERSITY OF VIEWS REPRESENTED. HOWEVER, SIGNIFICANT PROGRESS HAS BEEN MADE SINCE

THE FIRST SUBSTANTIVE SESSION IN 1974. THE PRESENT
CONFIDENTIAL

PAGE 03 STATE 229266 TOSEC 270208

REPRESENTS A CONSENSUS ON A LARGE NUMBER OF ISSUES BEFORE THE CONFERENCE. HOWEVER, THE UNITED STATES BELIEVES THE PRESENT TEXT REMAINS IMPERFECT AND REQUIRES FURTHER CHANGES IN A CERTAIN NUMBER OF KEY AREAS SUCH AS:

-- A REGIME FOR MINING DEEP SEABED MINERALS;

-- THE NATURE OF THE ECONOMIC ZONE;

--THE EPROVISIONS FOR MARINE SCIENTIFIC RESEARCH IN THE

ECONOMIC ZONE;

-- THE ARTICLE DEALING WITH THE EXPLOITATION OF THE

RESOURCES IN THE CONTINENTAL MARGIN BEYOND 200 MILES;

-- THE RIGHTS OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES IN THE ECONOMIC ZONE.

5. THE UNITED STATES PUT FORWARD IMPORTANT NEW IDEAS ON A NUMBER OF KEY TOPICS STILL AT ISSUE. WITH RESPECT TO DEEP SEABED MINING WE PROPOSED A PACKAGE APPROACH WHICH WOULD INCLUDE ASSURED ACCESS TO DEEP SEABED MINING SITES BY ALL NATIONS AND THEIR CITIZENS ALONG WITH A FINANCING ARRANGEMENT TO ENABLE THE PROPOSED ENTERPRISE (THE INDEPENDENT OPERATING ARM OF THE INTERNATIONAL SEABED AUTHORITY) TO GET INTO BUSINESS. AS PART OF THAT PACKAGE, WE FURTHER PROPOSED THAT THERE COULD BE A REVIEW, PERHAPS IN 25 YEARS, CONFIDENTIAL

PAGE 04 STATE 229266 TOSEC 270208

TO DETERMINE IF THE PROVISIONS OF THE TREATY REGARDING THE SYSTEM OF SEABED EXPLOITATION WERE WORKING ADEQUATELY. THIS WAS A SIGNIFICANT MOVE WHICH GENERATED CONSIDERABLE INTEREST WHICH WE BELIEVE CAN BE TRANSFORMED AT THE NEXT SESSION INTO SPECIFIC TREATY LANGUAGE. A NUMBER OF DELEGATIONS, REPRESENTING ALL CONCERNED GROUPS, HAVE EXPRESSED TO US THEIR BELIEF THAT OUR PACKAGE PROPOSAL REPRESENTED A CONSTRUCTIVE CONTRIBUTION TO THE NEGOTIATIONS. THIS REACTION IS ENCOURAGING AND WE INTEND IN THIS SAME SPIRIT TO FOLLOW UP THIS INITIATIVE BOTH DURING THE INTERSESSIONAL PERIOD AND AT THE NEXT SESSION. WE BELIEVE THIS INDICATES A REALISTIC APPRAISAL BY OTHER STATES THAT THE UNITED

STATES HAS MADE A MAJOR AND MAXIMUM EFFORT IN THIS AREA.

6. WITH RESPECT TO THE ISSUES IN COMMITTEE II OF THE
CONFERENCE DEALING WITH NAVIGATION AND THE NATURE OF THE
ECONOMIC ZONE, THE UNITED STATES CONTINUES TO BE ENCOUR-
AGED. WHILE SPECIFIC LANGUAGE ON THE NATURE OF THE PRO-
POSED ECONOMIC ZONE HAS NOT YET BEEN AGREED, SEVERAL PROM-
ISING IDEAS HAVE BEEN CONSIDERED. THERE IS OPTIMISM ON
THE PART OF A LARGE NUMBER OF STATES THAT A SATISFACTORY
SOLUTION CAN BE FOUND WHICH WILL PROVIDE FOR BOTH THE LEGI-
CONFIDENTIAL

PAGE 05 STATE 229266 TOSEC 270208

TIME INTERESTS OF THE COASTAL STATES IN PROTECTING THEIR
RESOURCE AND OTHER INTERESTS AND THE HIGH SEAS FREEDOMS
OF THE INTERNATIONAL COMMUNITY IN THE ECONOMIC ZONE. THESE
PROVISIONS ARE IMPORTANT IN MAINTAINING GLOBAL SECURITY AND
SUPPORTING OUR ALLIES IN THIS DANGEROUS AGE.

7. IN COMMITTEE III, THE UNITED STATES IS SEEKING PROTEC-
TION OF THE MARINE ENVIRONMENT AND PRESERVATION OF THE
RIGHT TO CONDUCT MARINE SCIENTIFIC RESEARCH. THE PRESENT
TEXT ALREADY CONTAINS IMPORTANT PROVISIONS ON OCEAN POLLU-
TION WHICH WE SEEK TO STRENGTHEN. WITH RESPECT TO MARINE
SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE, WE HAVE PROPOSED
A COMPROMISE WHICH WILL GIVE THE COASTAL STATES THE RIGHT
TO CONTROL MARINE SCIENTIFIC RESEARCH DIRECTLY RELATED TO
RESOURCES EXPLOITATION BUT WHICH WILL ENSURE THE RIGHT TO
CONDUCT OTHER FORMS OF MARINE SCIENTIFIC RESEARCH WHICH
BENEFIT ALL MANKIND.

8. IN ORDER FOR AN OVERALL PACKAGE SETTLEMENT TO BE
VIALE, THE TREATY MUST CONTAIN PROVISIONS FOR COMPREHEN-
SIVE, OBLIGATORY AND BINDING THIRD PARTY DISPUTE SETTLEMENT.
THIS SESSION HAS MADE CONSIDERABLE PROGRESS THAT GOAL.

CONFIDENTIAL

PAGE 06 STATE 229266 TOSEC 270208

9. WE BELIEVE THAT EQUITABLE RESOLUTION OF THESE AND
OTHER KEY ISSUES IN THESE NEGOTIATIONS CAN BE FOUND.
UNLESS THIS IS THE CASE, VARIOUS GOVERNMENTS MAY CONCLUDE
AGREEMENT IS NOT POSSIBLE, RESULTING IN UNILATERAL ACTION
WHICH CAN LEAD TO CONFLICT OVER THE USES OF OCEAN SPACE.

10. THE UNITED STATES HAS A MAJOR INTEREST AS A GLOBAL
POWER IN PREVENTING SUCH CONFLICT AND THUS, WITHIN THE
LIMITS OF PROTECTING ITS OWN VITAL INTERESTS, WILL CON-
TINUE TO SEEK OVERALL SOLUTIONS ACCEPTABLE TO ALL GROUPS
OF COUNTRIES. WE MUST NOW MOVE TOWARD BUSINESSLIKE NEGO-
TIATIONS AND TOWARD A RECOGNITION THAT THE ALTERNATIVE TO
A TREATY WOULD SERVE NO RATIONAL OR COMMUNITY INTEREST.
I CONTINUE, THEREFORE, TO BELIEVE THAT A SUCCESSFUL LAW
OF THE SEA CONVENTION CAN BE ACHIEVED. THIS GOVERNMENT
WILL CONTINUE ITS EFFORTS TO ACHIEVE SUCH A TREATY.

END TEXT.

11. BEGIN TEXT OF WHITE HOUSE STATEMENT:

THE FOURTH SUBSTANTIVE NEGOTIATING SESSION OF THE U.N.
LAW OF THE SEA CONFERENCE ENDED TODAY AFTER SEVEN WEEKS OF
NEGOTIATIONS AMONG SOME 150 COUNTRIES. THE CONFERENCE
LEADERSHIP HAS CHOSEN TO RETAIN THE REVISED SINGLE NEGO-
CONFIDENTIAL

PAGE 07 STATE 229266 TOSEC 270208

TIATING TEXT, WHICH WAS PRODUCED BY THE MARCH 1976 SESSION,
AS A NEGOTIATING TEXT FOR THE NEXT SESSION SCHEDULED FOR
(BLANK), 1977. WHILE THIS TEXT HAS SEVERAL MAJOR FLAWS AND
IS NOT YET ACCEPTABLE TO THE U.S. AS A FINAL TREATY TEXT,
IT DOES SATISFY MANY IMPORTANT U.S. INTERESTS. ADDITIONAL
IMPROVEMENT REGARDING SEABED MINING, MARINE SCIENTIFIC
RESEARCH, THE NATURE OF THE ECONOMIC ZONE AND OTHER IMPORT-
ANT ISSUES WILL BE REQUIRED.

12. AT THE PRESIDENT'S REQUEST, SECRETARY KISSINGER VISITED
THE CONFERENCE ON SEPTEMBER 1-2 AND MADE A NUMBER OF
IMPORTANT PROPOSALS IN AN EFFORT TO BREAK THE DEADLOCK ON
SEABED MINING. A NUMBER OF DELEGATIONS HAVE INDICATED
THAT SECRETARY KISSINGER'S PROPOSALS REPRESENTED A MAJOR
CONTRIBUTION TO ADVANCING THE NEGOTIATIONS. THE FINAL
WEEKS OF NEGOTIATION HAVE BEEN CARRIED OUT IN AN ATMOSPHERE
CONDUCIVE TO FINDING MUTUALLY ACCEPTABLE SOLUTIONS TO THE
OUTSTANDING PROBLEMS OF THE CONFERENCE. THE PRESIDENT IS
HOPEFUL THAT SECRETARY KISSINGER'S PROPOSALS HAVE SET
THE STAGE FOR FURTHER COOPERATION AND THAT A SUCCESSFUL
CONCLUSION TO THE CONFERENCE CAN BE REACHED AT THE NEXT
CONFIDENTIAL

PAGE 08 STATE 229266 TOSEC 270208

NEGOTIATING SESSION.

13. OUR OBJECTIVE IN THESE NEGOTIATIONS CONTINUES TO BE AN
EQUITABLE TREATY WHICH SAFEGUARDS AND ADVANCES THE BROAD
RANGE OF IMPORTANT U.S. OCEANS INTERESTS, AND WHICH DOES

SO IN THE FRAMEWORK OF A TREATY IN THE BEST INTERESTS OF
THE INTERNATIONAL COMMUNITY. THE PRESIDENT STRONGLY
SUPPORTS THE CONTINUING EFFORTS TO THIS END. END TEXT

14. THESE TEXTS HAVE BEEN APPROVED BY AMBASSADOR LEARSON,
JULES KATZ AND BY S/P. ROBINSON

CONFIDENTIAL

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: Z
Capture Date: 16 SEP 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, SPEECHES, TEXT, TOSEC
Control Number: n/a
Copy: SINGLE
Draft Date: 16 SEP 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE229266
Document Source: ADS
Document Unique ID: 00
Drafter: S/P:HCBLANEY
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Film Number: D760349-0356
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t197609108/baaaeqby.tel
Line Count: 336
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 7
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS ONLY
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 26 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 JUL 2004 by ullricre>; APPROVED <04 NOV 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> mcm 970926
Subject: STATEMENTS ON THE CONCLUSION OF THE LOS SESSION
TAGS: PLOS, PLOS, (KISSINGER, HENRY A)
To: SECRETARY
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006